

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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NATIONAL BUSINESS :  
ADJUSTERS INC., and GARY MORGAN, :  
Plaintiffs, : Civil Action No. 06-cv-698 (PGS)  
v. :  
NUENERGY GROUP, INC., :  
PAUL HYDOK and JOHN TOBELMAN, :  
Defendants. :  
:

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**ORDER**

**WHEREAS** this matter having been opened before the Court on National Business Adjusters' Inc., and Gary Morgan's motion for partial summary judgment and Defendant's NuEnergy and Paul Hydok's motion for summary judgment;

**WHEREAS** the Court having heard oral argument on September 24, 2007, and having considered the parties' briefs and supporting papers;

**WHEREAS**, it is evident that significant discovery must be conducted including the deposition of Mr. John Tobelman, and production of documents regarding the renewal of certain contracts regarding the supply of gas and electricity to retail customers and energy saving equipment;

**WHEREAS** during oral argument it was determined that the equitable relief of a forensic financial accounting is in actuality a request for further discovery;

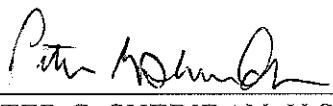
**WHEREAS** this discovery may give rise to disputes of material fact;

IT IS on this 27<sup>th</sup> day of September, 2007;

**ORDERED** that Plaintiffs' request for a forensic financial accounting is denied as Plaintiff has failed to establish entitlement to such equitable relief, with the record currently before this Court; and it is further

**ORDERED** that Defendants motion for summary judgment is hereby denied without prejudice for renewal upon completion of discovery.

September 27, 2007

  
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PETER G. SHERIDAN, U.S.D.J.